IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Cont.Case(C).No.86 of 2007(S)

ARISING FROM THE JUDGEMENT IN W.A..NO.1480/2005 DATED 04/08/2006

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PETITIONER:-

T.V.ROSY, AGED 57 YEARS,
W/O. LATE SRI. A.C. PAPPU,
THAIPARAMBIL HOUSE, 24 MURI COLONY,
S.R.M.ROAD, COCHIN-682 018.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENT:-

V.RAJU,
AGE (NOT KNOWN TO THE PETITIONER),
SON OF (NOT KNOWN TO THE PETITIONER),
SECRETARY, CORPORATION OF COCHIN,
CORPORATION OFFICE, ERNAKULAM.

BY STANDING COUNSEL SMT.ANU SIVARAMAN NAIR..

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

Cont. Case (C).No.86 of 2007

Dated, this the 18th day of June, 2007

JUDGMENT

H.L.Dattu,C.J.

Alleging that the respondent herein has disobeyed the orders and directions issued by this Court in W.A.No.1480 of 2005 dated 4.8.2006, the appellant in the Writ Appeal is before us in this contempt petition.

2. This Court while disposing of the Writ Appeal, No.1480 of 2005, by its order dated 4.8.2006, has issued the following directions. The same is as under:

> "Taking into account the circumstances in which the appellant/petitioner is placed, though he is not a party, we direct him to grant the necessary sanction which the Corporation had requested for payment of retiral benefits to the petitioner, within three months from the date of production of a copy of this judgment before the said Examiner".

The grievance of the petitioner before us is that the respondent has wilfully and deliberately disobeyed the orders and directions issued by this Court. In view of the statement made by the learned counsel, we have directed the learned counsel appearing for the contemnor to have appropriate instructions from the contemnor.

3. The matter is posted for further orders before the Court. The learned counsel appearing for the contemnor would contend that whatever amount due to the appellant has been calculated and has been paid and, in fact, they had prepared a cheque for the balance amount on Friday itself and had called upon the appellant to visit their office and receive the same. It is

also stated that though the appellant appeared before them, she had refused to accept the cheque offered by them.

4. We have gone through the orders passed by this Court. We are of the view that the respondent has substantially complied with the orders and directions issued by this Court. Therefore, we do not intend to proceed with the contempt proceedings. Therefore, the proceedings are dropped. However, a direction is issued to the respondent to offer the cheque to the appellant that they had prepared on the last Friday on or before 19.06.2007. The appellant/petitioner shall receive the same. If, for any reason, she is of the opinion that some more amounts are due from the respondent, she is at liberty to approach this Court for appropriate orders and directions. The respondent is also directed to give her the memo of calculations, so that she can approach the appropriate forum for appropriate reliefs.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-